

Attorney's Docket No.: 10559-371001/P10177

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claim amendments are presented herein to obviate the current rejection. No new matter has been added.

35 USC § 103

Claims 1-6, 9-15, 18-22, 25-29, and 31 stand rejected under 35 USC § 103 as allegedly being unpatentable over Deegan in view of Eitner and alSafadi. These rejections are respectfully traversed.

Claims 1, 9, 18, and 25 have each been amended to clarify that the flash file comprises null data. Eitner, which was cited as disclosing the claimed flash file, fails to disclose this limitation. With Eitner, a loadpicker logic remaps a base address of each of two flash banks depending on which flash bank contains a valid and updated software subsystem (see, inter alia, Eitner col. 7, lines 35-37). After a software subsystem is upgraded, the two flash banks "essentially swap base address mapping values" which results in one flash bank being active and one flash bank being inactive (see, inter alia, Eitner, col. 7, lines 37-40). There is no suggestion that this swapping comprises a flash file having null data. Therefore, the skilled

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artisan would not have combined Deegan, Eitner, and alSafadi to result in the recited subject matter.

Accordingly, the claims should be allowable.

#### Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Applicant asks that all claims be allowed. Please apply  
any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Scott C. Harris  
Reg. No. 32,030  
Attorney for Intel Corporation

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

**CARL A. KUKKONEN, III**  
**REG. NO. 42,773**

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